

Attributes of an Effective Legislature,¹

Adapted from Alan Rosenthal²

The advent of term limits has presented an opportunity for the Louisiana House of Representatives to examine its role in our tripartite system of government. Pursuing this opportunity, the Special Committee on Preparing for Term Limits is studying and discussing the attributes of an effective legislature. While the processes and practices of the Louisiana Legislature have evolved over almost two hundred years and political analysts have spent equally as long studying – and often times criticizing – this body, this document attempts to contrast some of the current practices of the House with theoretical ideals. Inherent in any comparative process is the need to make generalizations. Likewise, the comparison of any activity against ideals results in stark disparities, but it is just this process that can serve to effectuate positive change.

Absent in this document are examples of the many positive attributes of the House and the many positive accomplishments of its leaders including strengthening the capacity of the House as a policy making body through improved facilities, technology, and staffing. Yet this process is not about creating an opportunity to tout the good... it is about capitalizing on an opportunity to improve. Most corporations that conduct due diligence on their internal processes do so in private; however, one component of an effective legislature is openness and transparency resulting in a very public discussion of how House practices can be improved. Reflecting on House imperfections is not to say that the business of the people is not being conducted; it is. Can it be conducted better? Yes.

The Special Committee on Preparing for Term Limits, having accepted the responsibility of improving the future of the House, charged its staff with identifying areas for possible improvement and directed it to do so without restriction and with no regard to political correctness. This document, containing generalizations not applicable to all matters before the legislature or its leaders or membership, is a product of that charge and contains ideas for discussion and possible consideration by the membership of the Special Committee on Preparing for Term Limits.

BALANCING POWER

The legislature effectively shares power with the governor

Where are we?

- Noted political scientist and Professor Wayne Parent in a recent law review article wrote, “Indeed, there is a preponderance of evidence to suggest that despite all reforms to invigorate the structural mechanisms of the state legislature, little

¹ Adapted from “The Good Legislature”, *State Legislatures Magazine*: July/August 1999.

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demonstrable progress toward legislative independence has materialized. In fact, there are many indications to the contrary.”³ Citing from *Toeing the Line in Louisiana*, this law review article further stated “Louisiana operates on the old Spanish and French models with a strong-arm governor and a compliant legislature.” Despite gubernatorial dominance, Professor Parent notes with optimism that the structural engine is in place for legislative independence.

- A recent commentary⁴ in the Times Picayune stated “The real-life rules for choosing legislative leadership in Baton Rouge aren’t written into law, or spelled out in any procedural handbook. On paper, at least, each branch of government operates independently, and each chamber of the Legislature chooses its own top dog. In practice, although Louisiana’s constitutionally strong governors play no formal role, they routinely install their allies as House speaker, Senate president and committee chairs – most of the time, anyway”
- The legislature has never used its authority to call itself into special session. “Until 1991, when the legislature overturned Governor Charles “Buddy” Roemer’s veto of an abortion bill, no Louisiana governor’s veto had been overridden in recorded history...”⁵

Where do we want to be?

- A legislature that effectively shares power with the governor would:
 - Select its own officers and committee chairs without gubernatorial influence
 - Use a budget process that includes significant legislative decision-making and oversight
 - Provide substantial legislative oversight of the operations of the executive branch through a very active committee system
 - Initiate programs and projects principally through an active committee system that examines issues facing the state and proposes legislation to address these issues

How do we get there?

- The selection of House officers by the membership of the House and committee chairs in accordance with House rules.
- An understanding by House membership that a body that effectively shares power with the executive branch is a more effective legislature and that independence can be accomplished in such a manner so as to minimize adverse consequences to the members and their respective districts. The effectiveness of a more independent

³ “The Party’s Over: The Rise and Stall of Louisiana Legislative Independence”, 48 Loyola Law Review 527, Fall 2002

⁴ The Times-Picayune, New Orleans, La., Dec. 7, 2006

⁵ *Inside the Carnival*, Wayne Parent, pg. 67

House can be communicated to new members in the orientation process and the pressures that bear upon all House members can be mitigated by a united body.

- Although some other state legislatures do propose their own budget such is not necessary to share power with the governor. However, substantial budget review prior to session, legislative review and action during session to make budget changes determined by the legislature, and effective budget oversight during the interim are essential to sharing power with the governor.
- Awareness by the membership that interim committee study of issues and various kinds of legislative oversight can be highly effective. Such committee activities should include policy formulation and program development through effective committee studies of issues and effective oversight of executive department programs.
- Legislative initiation of special sessions and use of veto session when the need is apparent.

The House initiates and enacts its own legislation

Where are we?

- In the late 1960s and early 1970s, Professor Parent noted, “the Louisiana legislature was clearly on the road to parity with the governor. The movement was accentuated by a group of self-styled ‘Young Turks’ who successfully transformed the mechanisms of government and restored more balance of power between the two branches. Today, however, if you ask any legislator whether the governor controlled most of the legislative agenda and process.... the response would be... ‘not technically’”.⁶
- In those instances when major legislation is initiated by individual legislators, the governor, through the governor’s floor leaders, often files virtually the same legislation assuring that the governor rather than the legislature gets credit for the concept.

Where do we want to be?

- The initiation of significant legislation by members of the House after conducting studies on issues of importance to the state.
- A House willing to debate and enact into law its own policy agendas, preferably with – but not as a prerequisite – gubernatorial support.

How do we get there?

⁶ *The Party’s Over*, 48 Loyola Law Review at 549.

- Conduct studies in a substantive way and propose legislation to seek solutions to state problems. Such studies should include the taking of testimony, seeking solutions, issuing reports, and proposing legislation.
- Address state issues in a coordinated manner, preferably in cooperation with state departments and the administration yet willing to enact its own legislation without outside support or interference.
- Additional actions may include annual legislative issues conferences to address major state issues.

The legislature makes independent decisions about the Governor's legislative package

Where are we?

- The governor goes to great effort to control the issues, details, and scope of his legislative package. The administration package is developed by the executive branch and is seen as an executive program, not as a legislative program.

Where do we want to be?

- House leaders engaged in a dialog with the governor regarding the issues contained in his legislative package and the development of the details to address those issues. Conversely, House leaders, after identifying issues through the utilization of the committee system, bringing to the attention of the Governor issues of significance to the state and asking for the inclusion of those issues in his legislative package.
- Identification of the administration package with the legislature (or the governor's supporters in the legislature) and not only as the governor's proposals.

How do we get there?

- The Governor should continue to make proposals; however, this should be done in concert with House leadership. House leaders should be consulted and engaged in the issues to be contained in the governor's legislative package, including the details of the proposed legislation.
- House leaders and committee chairs should coordinate in proposing a package of legislative initiatives to be provided to the governor for his possible support and, hopefully, included in his legislative package. This will involve systematic meetings, staffing, and study. Nonetheless, the House needs to be willing to propose its own package as well.

- Standing committees should be expected to study major issues within their subject matter jurisdiction and to offer to the House leadership or directly to the governor appropriate proposals for possible inclusion in his package. House committees should also conduct subsequent oversight of such legislation enacted and offer the governor the opportunity to make any necessary legislative or executive changes thereto, but House membership needs to be willing to institute such changes even if the governor declines to do so.
- Presiding House officers should establish a policy of encouraging legislative initiation of policy, not necessarily at odds with the governor, but in addition to what the governor does. This will involve regular meetings with leaders and chairs and interested members.

The legislature makes independent decisions about the state budget.

Where are we?

- Although the legislature has put in place many procedures for budget review and decision-making, House activity relative to involvement in the state budget has been characterized in the press with clichés such as “breezed through the House... with little debate”⁷ or “every expectation of a smooth voyage through the Legislature”.⁸
- Members, particularly new members, are not sufficiently knowledgeable about the budget process to participate in it effectively.

Where do we want to be?

- Engaged in in-depth House review of the governor's proposed budget well in advance of session.
- Willingness of the House to substantially alter the budget when deemed necessary by the membership.
- Engaged in development of a comprehensive and dynamic approach to state spending, using legislative resources for budget and policy analysis.
- Taking an active and effective House role in appropriations oversight throughout the year.

How do we get there?

- Eliminating any gubernatorial influence in the selection of House leadership thereby allowing the membership to make independent decisions about the state budget

⁷ *Legislature OKs money bills on final day*, The Town Talk, June 20, 2006

⁸ *The Little Man*, The Times-Picayune, New Orleans, La., March 18, 1998

without concern of gubernatorial action which could potentially be detrimental to the members' positions or districts.

- Dedicating the time and resources necessary to review the state budget in great detail and an expectation by the membership that this review process will be very time consuming and, at times, painstaking.
- Enhancing member education on the budget process, including information on agency budget development, the role of division of administration, the expected role of the House, and appropriations control and oversight.
- Enhancing house staffing levels on fiscal and budgetary issues.

REPRESENTING CONSTITUENTS

Legislative districts are nearly equal in population.

Where are we?

- House districts approach numerical equality, within legal guidelines of plus or minus five per cent.

Where do we want to be?

- The House wants to maintain numerically equal districts with continuing attention to keeping communities of interest together as much as practicable.

How do we get there?

- The House should maintain an effective redistricting process, with due diligence given to legal requirements, including public access. This would necessitate:
 - Skill development in members who participate in redistricting process
 - Retention and recurrent training of skilled staff and training of newer staff
 - Maintenance and development of appropriate technology

The numbers of women, African Americans, and Hispanics are reasonably reflective of the population of the state.

Where are we?

- Statistically:
 - 2005 census est. = females 51.4%, whereas House females members = 17%
 - 2005 census est.= blacks 33%, whereas House black members = 21.9%

- 2005 census est. = Hispanic surname 2.8%, whereas House Hispanic members = 0.9%
- Both the Black Caucus and the Women's Caucus are supported, active, and publicized; the House has no organized Hispanic caucus.
- Women and minority members have held leadership positions.

Where do we want to be?

- We want continuous progress toward the Attribute of demographic concordance with the state's population in terms of gender and race.
- Women and minority members should aspire to and have reasonable expectation of achieving House leadership positions. A responsible legislative body recognizes that such expectations encourage women and minority candidates to run for the legislature.

How do we get there?

- The redistricting process should include gender and race membership issues. Hispanic population growth should be analyzed for the next redistricting process.
- The House should support participation by women and minority members in mentoring programs (in-House, Black Caucus, Women's Caucus, Civic Ed. Comm., etc.), outreach programs (public relations, civic education, etc.), and engage them in leadership roles and training.

The members of the legislature provide effective constituent service including responses to requests for information, casework, local projects and public expenditures. (See also, "The legislature is responsive to public demands and needs," below.)

Where are we?

- Traditionally the Louisiana Legislature has been "local-oriented" focusing on local needs and interests.
- Members use district office and legislative capitol staff significantly for assistance in providing constituent services, including, casework, research on governmental programs, and bill drafting services for local interests. The House supports and provides for district office resources, including effective district office staff.
- According to a 2003 newspaper article commenting on the lame-duck status of then Governor Foster, "[A]lthough Louisiana governors are afforded far more power than chief executives in most other states, Jim Brandt, president of the nonpartisan Public

Affairs Research Council, said there is little reason to change the system. In Louisiana, he said, ‘the argument still holds that you need a strong executive branch that’s accountable to the entire population. The legislative branch is certainly one that I think is considered to be more parochial in outlook.’”⁹

Where do we want to be?

- With respect to direct constituent services, maintain the district office as the "first responder", with the capitol legislative staff as support.
- With respect to local projects and public expenditures, the House should strive for fairness in expenditures per district, balanced with public needs of the state as a whole.
- New members who are provided with the resources to and who quickly learn about the legislative process in totality, from management of constituent issues to legislating and budget decisions.
- All members working hand-in-hand with their respective local governments in understanding and utilizing the budget process to address local needs.

How do we get there?

- Maintaining and enhancing the level of support in order for members to run an effective district office, including competitive staff salaries and benefits, suitable office allowances, and currently available technology.
- Enhancing the working relationship between district office staff and capitol legislative staff, including extensive district office staff orientation and training, with a focus on "member services" and the legislative processes.
- Enhancing its member orientation process to ensure that members learn management of constituent issues, legislating on local issues, and how to maneuver through the capital outlay and budget bills and processes.
- With respect to local projects and public expenditures, consider the needs of the state as a whole as well as fairness in expenditures per district.

Citizens and groups in the state have ready access to information on agendas and proceedings of the legislature.

Where are we?

- The public has free and easy access to House committee notices, standing committee and floor schedules, bill status both electronically and by toll free telephone inquiry to

⁹ The Times Picayune, New Orleans, La., May 16, 2003

the PULS line, and electronic access to the complete text of all bills and amendments. Paper copies are still available for a small fee.

- The House maintains gavel-to-gavel coverage of chamber and committee proceedings on the web, which proceedings are electronically available both live and archived.
- Our award winning web site offers: an explanation of proceedings; all session documents (easily accessible and searchable by session); the statutes, rules, and constitution; the history of the legislature; member and staff contact information; and archived proceedings.
- Phone and email access to members is provided by the House.
- With respect to ready access to critical legislative information, three deficiencies are noted:
 - Minimal notice of legislation to be taken up unexpectedly, usually as a result of a suspension of the rules
 - Advance notice and disposition of bills that go to conference
 - Lack of availability of many proposed committee amendments

Where do we want to be?

- Providing timely and ready access of all House activities, processes, and work product to as many people as possible.
- Responding to perceived needs for public access and participation, both in person and on the web.
- Enjoying favorable public opinion concerning our openness and available resources.

How do we get there?

- Instituting processes and rule changes as necessary to allow sufficient time for the public to be adequately informed of schedule changes, including the inclusion or removal of additional agenda items, and conference committee hearings.
- Strengthening rules relative to the availability of committee amendments prior to committee consideration.
- Conducting more legislative committee hearings at sites throughout the state.
- Striving for recognition by the Center for Digital Government by maintaining an accessible and comprehensive website and making improvements such as:
 - The electronic inclusion of additional committee information, such as handouts, PowerPoint presentations, and lists of witnesses testifying
 - Broadcasting of remote site legislative hearings

- Reporting on the interim work of the House standing and special committees
- Providing more robust and personalized reporting to the end user
- Implementing an automatic notification system to interested parties informing them of committee hearings, including changes to agendas, meeting times, and location
- Providing wireless internet connection throughout the capitol building
- With respect to access to information:
 - Providing TV highlights of each day's proceedings
 - Establishing better video media
 - Running public service announcements on issues of importance to generate public interest
 - Providing more content to public access channels such as LPB and C-SPAN
- Accommodating the needs of citizens who do not use computers by:
 - Providing advance notices of meetings and committee agendas in newspapers
 - Producing TV broadcast “in house” and/or working with public and cable TV in developing an internal legislative TV network
 - Better use of radio and other media
 - Ensuring that the PULS line is effective and publicized

The legislature provides effective civic education for the public (of all age levels) about representative democracy, the legislative institution and the lawmaking process.

Where are we?

- We have a civic education initiative, including Capitol Program for Students, and the members participate fully in Legislators Back to School Program.
- Staff frequently presents programs on the legislative process to school, civic, and special interest groups.
- We maintain a robust and notable web site containing information about the current and historic legislature.

Where do we want to be?

- A House that embraces civic education.
- A House that recognizes and fosters an informed citizenry who, in turn, is supportive of the legislature as a whole, casts their votes in great numbers, and is willing to run for legislative office.

- A House whose members and future members value representative democracy, the legislative institution, and the lawmaking process and publicly convey their commitment thereto.
- House members who talk about the institution and its capability and accomplishments rather than talk about special interests or their individual voting records, thereby fostering public knowledge of progress toward a strong and responsible legislature.

How do we get there?

- Increase civic education and utilization of resources:
 - Strengthen civic education and expand its target audience to include all citizens
 - Include additional outreach programs and improve existing programs such as the Legislators Back to School Program
 - Participate in mentoring programs for young people, both in the district and at the capitol
 - Develop multi-media civic education programs, centered on member participation, to further institutional knowledge and representative democracy ideals
 - Sponsor forums on the legislature and representative democracy
- “Open the debate” on the legislature as an institution and how effective it is, such as through the work of this Special Committee on Preparing for Term Limits and other venues.
- Create a public relations/civic education program, that is supported by leadership, focusing on the strengths of the House and the nature of representative democracy, including compromise and consensus building.
- Encourage members, particularly when campaigning, to be constructive and not negative in criticizing the institution.

The legislature is responsive to public demands and needs.

Where are we?

- Members are concerned with what their constituents want and expect, individually and collectively. Most members conduct district surveys and hold district meetings. Members introduce bills, amendments, and resolutions for and on behalf of their constituents and their local governments.
- The legislature has adopted major policies in response to public demands, including term limits, CHIPS, juvenile justice reform, TOPS, limitations on the expropriation of private property, and a smoking ban in public places.

- In a series of fifty state studies of the impact of special interest groups in state politics, Louisiana is one of 25 states where interest groups are considered “dominant/complementary”.¹⁰

Where do we want to be?

- To be responsive to public demands and needs, the House wants to balance special interests with good public policy.

How do we get there?

- Conduct ongoing policy analysis to identify good public policy and evaluate whether existing programs measure up to that standard.
- Conduct opinion and attitude surveys and measure the results in order to determine public demands and needs.
- Conduct effective committee studies, with problems brought to the attention of standing committees with jurisdiction; conduct site-specific hearings on oversight and issues.
- Conduct statewide and district-level "major issues" forums, using webcast, teleconferencing, and other venues to maximize public input.
- Organize a process of responding to public opinion and criticism

MAKING LAWS

The legislature allows effective participation and input from citizens and organized groups in lawmaking decisions.

Where are we?

- The House provides quite effectively for general public access and participation, such as:
 - Regular meeting schedules and rooms
 - Advance committee hearing notices
 - Publication of the House Floor “Order of the Day”, including advance planning and notice of bills on the major state calendar
 - Committee hearing access and ability for public to speak on any bill
 - Telephone, message, and e-mail access to members

¹⁰ *Interest Group Politics in the Southern States*, Hrebendar and Thomas, updated 1998

- While copies of proposed floor amendments are simultaneously available to the membership and the public prior to final passage of a bill, copies of proposed committee amendments are often not available in advance and, unless the amendment was actually adopted, its content is not readily available.
- Notice of and public participation in conference committee decision-making is not always adequate.
- The role of lobbyists, including their role in the election process, contributes to a public perception that the legislature is controlled by special interests and the average citizen cannot affect the outcome.

Where do we want to be?

- Citizens of this state knowing that their voice, both singularly and as a group, is cable of effectuating change.
- Maintaining the many avenues we now provide for general public access to the legislative process. Maintaining House tradition of valuing and assuring that individuals will be heard in committees.
- Assuring adequate advance public notice of committee hearings and the instruments that will be considered.

How do we get there?

- Appropriate rule changes to augment provisions for advance notice of House activity, particularly committee hearings and changes to agendas.
- Appropriate rule changes to provide for advance notice of committee amendments and their content.
- Provide actual conference committee meetings, with appropriate notice, particularly when new subject matter could potentially be included in the conference committee report.
- Examine and consider legislation concerning lobbyists, particularly as related to campaign finance or other changes to alter public perception of lobbyist influence.

There is a reasonable level of internal democracy within the chamber. Power is relatively dispersed and the parliamentary rights of individual members are protected and respected.

Where are we?

- On the ability of legislators to participate individually in the process, Louisiana probably scores as high as any state.
 - Even though the governor plays a major role in committee appointments, a member often serves on the committees on which he chooses to serve. Members can be as active and as vocal in committee as they choose.
 - Each member may prefile an unlimited number of bills, subject to subject matter limitations, and any member can offer an amendment in a committee on which he serves and on the floor.
 - Members are recognized to speak on the floor of the House in the order in which they request to be heard.
 - Legislation is advanced to final passage on the floor in the order in which it is reported by committee.
 - A chairman must schedule for hearing any House bill that the author requests be heard by at least 10 days before the final day for consideration of bills on final passage.
 - Members all have equal access to staff services and staff treats all members equally.
- To some extent, the rights and privileges of the individual member can prevent effective screening of legislation during the committee process.

Where do we want to be?

- Maintaining most of the authority of individual members in the interests of a healthy dispersion of power in the law making process.
- House committees continuing to provide open forums for bills, assist in the deliberative process affecting those bills, and effectively screen the bills in the interests of the good of the state.
- The organization and planning of legislative schedules to assure effective floor deliberation and debate as part of an effective role in legislative policy-making.

How do we get there?

- Maintain most of the authority of individual members.
- Educate and create expectations for effective committee hearing and screening of bills. Committees should be gatekeepers to assure that only good policy legislation gets to the floor.

- Provide rules and expectations that foster effective floor deliberation and debate, including advance notice as to when major state issues will be considered and setting aside sufficient time for adequate deliberation and debate.

Legislative leaders are effective and have strategic, problem-solving and consensus-building abilities.

Where are we?

- The long tradition of a very strong governor limits the opportunities of the House to engage in problem-solving and consensus building. According to Professor Parent, “In good economic times, the governor can trade the carrot of perks, patronage, and programs to individual legislators and bargain together winning coalitions. In poor economic times, the legislature will more often than not let the governor make the tough, politically damaging decisions about where to cut programs or how to raise taxes.”¹¹

Where do we want to be?

- Through the strategies outlined in the above section on “Balancing of Power”, including the identifying and studying major state issues, create opportunities to engage in strategic, problem solving, and consensus building.

How do we get there?

- Legislative leaders who actively use their powers to call meetings of appropriate committee chairmen, members, state department heads, and others to determine areas for policy development.
- Legislative leaders who use legislative committees effectively in studying issues and initiating proposals.

The degree of partisanship in the legislature is reasonable. The majority party has enough clout to get things done. The rights of the minority party are protected. There are reasonable restraints on partisanship so that civility is maintained.

Where are we?

- With the increase in minority party membership over the past two terms, the House has witnessed the birth of member partisanship and it is likely to remain and increase in the future. Nonetheless, political *organization* is still lacking. According to Professor Parent, “this lack of political organization appears to have undermined many of the structural strides toward legislative independence. Like the situation in

¹¹ *Inside the Carnival*, pg. 84, 85

other southern states, the lack of party discipline in the legislature leaves a power vacuum easily filled by the governor's office."¹²

- As legislative scholar, Dr. Alan Rosenthal writes: "A major danger is that if partisanship is too heavily weighted in the process, minority members may find themselves almost completely shut out, the only role remaining to them that of mischief maker. Unrestrained partisanship can damage civility and undermine the legislature as a working institution, further eroding the trust and confidence the public has in it. The conduct of legislative parties, therefore, merits close scrutiny."¹³ The experiences of the immediate past extraordinary session suggest that unrestrained partisanship can be detrimental to both parties.

Where do we want to be?

- Member understanding of the legislative process as one of consensus building and compromise.
- Cooperative, institutionally-supportive partisanship based upon the behavior of the participants as members of a theoretical "responsible party."
- Member behavior in debate and deliberation and consensus building conducted with mutual respect and with the Attribute of improving the state and helping its citizens and not for the primary Attribute of political gain.
- Caucus and member behavior based upon mutual respect and tolerance for opposing ideas and points of view. Caucus and member behavior directed by policy Attributes and not electioneering gains.
- Partisan organization that assists in the formulation of policy taking into account the needs and wishes of a broader based population.
- A balancing between the natural growth of partisan staff with the necessary non-partisan staff to meet the needs of the House and of all of its members.

How do we get there?

- Caucus leaders commit to learning from the experiences of other state legislatures (and those who have studied those experiences) as to how best to foster the mutually respectful, tolerant behavior patterns that would allow the "responsible party" appellation to apply to the House.
- Caucus leaders commit to encourage binding caucus positions be taken to improve the state or to further the state philosophy of their "responsible party" and to discourage caucus positions to be taken purely for political or electioneering gains.

¹² *The Party's Over*, 48 Loyola Law Review at 548

¹³ *The Good Legislature*, NCSL 1999

- Recognize the advantages of nonpartisan, expertise-based staff and initiate partisan staffing gradually oriented toward strategy and political issues. Continue to use non-partisan, expertise-based staff for policy development and substantive advice.

The legislature is deliberative. It does allow for give and take and the open exchange of ideas at all stages of the formal and informal legislative process.

Where are we?

- These next two factors concerning lawmaking are probably the most important factors in the effectiveness of a legislature – deliberation and consensus building. They are at the very heart of representative democracy and what distinguishes it from direct democracy.
- During session, committees in the House are fairly effective in providing forums for deliberation, discussing and debating the issues, reviewing the contents of the legislation, exploring the pros and cons, reviewing who the supporters and opponents are and why they have the positions they do, placing the proposal in the context of past legislative decisions and examining how it comports with recent or landmark changes in the same body of law, whether it supports or weakens the concepts on which the area of the law is based, and exploring possible changes or amendments that may respond to stated weaknesses.
- Nonetheless, during the 2001 session, committees were categorized in *The Louisiana Weekly*¹⁴ (albeit a paper of limited circulation) as “rubber stamp institutions”. Perhaps, in part, due to the tradition of great deference being shown to individual members thereby resulting in the reluctance of committees to outright kill a member’s bill.

Where do we want to be?

- Effective deliberation in committee, both during session and throughout the interim.
- Better utilization of time to allow for considerable floor debate on significant legislation.

How do we get there?

- Maintain and enhance current committee practice on deliberation. Create opportunities for committee deliberation during the interim.
- Create an expectation of comprehensive floor debate and in-depth consideration of significant legislation. Create an expectation that lengthy debate on insignificant

¹⁴ The Louisiana Weekly, June 25 and July 9, 2001

legislation will be limited. Establish better communication and advance notification processes to inform members and the public of specific bills scheduled for floor consideration on a given day.

- Consider schedule changes to provide more time for committee and floor deliberation. More effectively utilize the committee screening process as a way to limit the number of bills which make it to the floor and do not merit consideration by the entire House.
- Utilize staff more effectively to provide assistance to members in the deliberation process, both in committee and in advance of floor debate.

The legislature does engage in consensus building. Opposing sides are willing to negotiate differences and find compromises to difficult problems.

Where are we?

- Some committee chairman effectively utilize the committee structure to build consensus, most notably on matters in which the competing parties are represented, by requiring the parties to attempt to resolve their differences before the bill is even scheduled for hearing.
- Another consensus building strategy is oftentimes employed by a committee when its members agree to pass a bill to the floor provided the author pledges to sit down with the competing parties and resolve their differences before the bill is heard on the House floor. Likewise, this strategy is also used by the members on the House Floor when it gets the commitment of the author to work out the differences before the bill gets to the Senate. Both of these approaches, however, utilize valuable time of the committee and floor proceedings discussing – rather than solving – these differences.
- Little time is spent actually negotiating differences or developing effective compromise while engaged in committee or floor debate, resulting in the House either passing bills without needed changes or killing bills and revisiting them in subsequent sessions, rather than resolving differences.

Where do we want to be?

- A truly deliberative body that seeks the best available solution through working out all the issues.
- A better understanding of the consensus building process and the effectiveness and positive outcomes that occur as a result of compromise. An understanding by the membership, special interests, and the public that compromise can often be positive and result in a better product.

- Enhanced skills in negotiation and compromise to develop better legislation.

How do we get there?

- Use interim studies and interim negotiation to resolve differences in advance of sessions where possible. Increase the use of hearings on pre-filed legislation to negotiate differences and find compromise to difficult issues.
- Development of that expectation that proponents and opponents are expected to engage in a good faith attempt to arrive at solutions before the bill is scheduled for committee hearing.
- Conduct skill-building training on methods of compromising and building consensus.
- Explore and develop methods for inter-party discussions and deliberation to achieve consensus, if partisan organization becomes more the rule.

The legislature does address and solve the most important problems in the state.

Where are we?

- The most important problems in the state, when identified as priorities, are addressed by the House.
- Many national rankings list Louisiana last or near the bottom suggesting failure to address or reach consensus on the long-term problems of the state.¹⁵

Where do we want to be?

- Effective identification of state needs as early as possible.
- Full use of legislative capacity to address and seek solutions to state issues.
- Enactment of effective legislative solutions to state problems.

How do we get there?

- The establishment of a system for identifying state needs in advance through consultation with key House members, the Senate, and the governor, and the use of committee studies and staff resources.

¹⁵ Fortune 500 Companies, 2000; Index of State Economic Momentum, September 2000; Property Taxes Per Capita, FY 1997; High School Completion Rates, 1997-1999; State Health Rankings, 2000; Condition of Children Index, 2000; *CQ's State Fact Finder 2001: Rankings across America*

- Use of all tools available for legislative policy making, including:
 - Effective interim committee work
 - Use of all legislative oversight tools
 - Effective floor deliberation
 - Use of constitutional authority for calling sessions as needed

FACILITATING FACTORS

The legislature has the resources (time, staff, facilities, and technology) to do its job effectively.

Where are we?

- Time: While previously discussed in terms of minimal time presently available for deliberation and consensus building, "time" as a resource is allocated under our current committee and floor calendar process as a matter of quantity and not quality. For example, the morning/afternoon/weekly committee structure is a product of the number of bill assignments and not the complexity of the issues. Likewise, valuable floor debate time is sometimes used for discussing legislation that ultimately passes without a nay vote and can get bogged down in matters best addressed at the committee level.
- Staff: The size of "subject matter staff" (HLS) has been relatively consistent for the last 20 years and, like the resource of time, has been traditionally allocated based on the quantity of work. "General staff" (non-HLS) has grown in size commensurate with the needs of the legislature.
- Facilities and technology: The capitol facility as a resource has been limited for quite some time. While changes have been made over the years - most notably the addition of much needed committee rooms - the House has outgrown its allocated space. As for technology, the House has made great strides to effectively utilize the benefits of technology both as a tool for members and staff and as a tool for making the legislature more open to the public. While computers and software have been upgraded, the infrastructure needs attention.

Where do we want to be?

- Time: Full utilization of available time prioritized based on the importance and complexity of issues.
- Staff: Staff size appropriate to support needs of a more independent legislature, support the needs of a more partisan legislature, and support the "learning curve" needs of newly elected members.

- Facilities and technology: Maintain existing facilities and find additional space to accommodate needs of individual members sufficient to conduct constituent-related matters while in session, additional space for general briefings and on-going training of members and staff, and additional space to accommodate changing staff needs. With respect to technology, repair and maintain infrastructure, utilize latest technology to improve the flow and quantity of information available to members and the public, and utilize technology to make the process more efficient.

How do we get there?

- Time: Identify and commit suitable time to the most pressing needs of the state; provide committee meeting schedules based on difficulty of subject and importance of issues (though not at the expense of advance scheduling); utilize gate-keeping function of committees; utilize House floor calendar to schedule specific bills for specific dates thereby allowing members, as well as the public, suitable notice and opportunity to read the bills and have amendments drafted in advance; work full days, work full weeks; utilize time during "limited" odd-numbered year sessions to actively engage all committees; utilize interims; select chairs and members of committees for their subject matter expertise and interest; emphasize member training in procedural and policy issues; develop time outside of floor debate for expressing commendation and condolences and making introductions; find alternative process for consideration of cultural legislation such as prestige plates and state symbols; consider use of technology such as teleconferences and webcast to maximize available time and travel needs.
- Staff: Provide fiscal staff suitable to allow for an independent review of the executive budget; continue core use of non-partisan staff and incorporate partisan staff who work in conjunction with non-partisan staff; add policy staff in areas of importance to the state such as health care and insurance; and dedicate staff to the year-round training of members and staff, including legislative assistants
- Facility and technology: Examine utilization of space in the capitol and capitol annex, particularly those offices/agencies who maintain 'satellite' offices within the capitol; finish renovations of floors in tower to gain additional office space; relocate/scan historical files to create additional space; examine utilization of space in the basement; explore use of old insurance building lot; and plan and control office allocation. As for technology: upgrade equipment in committee rooms, including sound and voting systems, and invest in video technology; provide wireless connection throughout capitol and annex; upgrade technology in the House chamber, including bar scanning and integration; enhance website to include, among other things, ability of the public to personalize and filter available information, history, updates, and notices of hearings.

The legislature has integrity. The members of the legislature and the Capitol community in general, behave in ethical ways.

Where are we?

- As is true of the public at large, the vast majority of House members behave in an ethical manner. Ethics statutes impose numerous limitations on behavior by public officials and impose reporting requirements of public funds received.
- However, media reports and national rankings of Louisiana's ethics laws rank Louisiana poorly. For example, Louisiana was ranked 33rd out of 50 states in a survey¹⁶ of lobby disclosure laws, an issue which is perceived to be closely tied to legislative ethics in general. Not surprisingly, a less reported survey indicated "Louisiana's disclosure law ranks among the top twenty in the country, and includes particularly strong expenditure disclosure and enforcement provisions."¹⁷

Where do we want to be?

- A membership that avoids all appearances of actual conflicts of interest.
- A responsible House membership that balances the needs of their respective districts and special interests with good public policy for the state as whole.
- A positive public opinion of the House based on the conduct, work ethic, and work product of its members.

How do we get there?

- Undertake an analysis of ethics statutes on conflicts of interest, lobbying, and campaign finance.
- Develop an attitude of "institutional reverence and preservation."
- Heightened training and orientation on ethics regulations for House members.
- Institute some level of House-regulation regarding ethical standards.
- Time and hard work will result in positive public opinion of the House.

¹⁶ *Lobby Disclosure Ranking 2003*, The Center for Public Integrity

¹⁷ *The State of Disclosure in Louisiana*, Grading State Disclosure 2005; www.campaigndisclosure.org

The members of the legislature care about and protect the well-being of the institution.

Where are we?

- Over time, the development of the legislature as an institution has diminished. Furthermore, term limits will increase emphasis on the individual member rather than the institution.

Where do we want to be?

- A body that is protective of the legislature as an institution and members who are proud to be a part of representative democracy.

How do we get there?

- A clear understanding of the importance of the legislature as an institution and not just a collection of individuals.
- Education of new members about the importance of a strong and effective legislature.

There is a sense of community within the legislature. There is civility and collegiality.

Where are we?

- Over the last several years, the members of the House have not come to know their colleagues to the same level of familiarity as in prior years. Informal socializing among members use to be common and presented opportunities for members to learn about each other's viewpoints as well as the needs and culture of their respective districts.
- On issues and positions of policy, differences of opinion can occasionally become acrimonious instead of being true deliberation.

Where do we want to be?

- Personal acceptance of a shared mission by each member, a clearer understanding of the legislature as an institution and the nature of the legislative process, mutual respect for one another's role as a legislator, and familiarity with one another's interests and background.

How do we get there?

- The House should encourage additional opportunities for informal gatherings, including cross-caucus and issues-related events.

- Familiarity with fellow House members and the needs of their districts, together with a climate that fosters deliberation and compromise, will allow for respectful differences of opinion.

There is adequate continuity in the membership of the legislature to promote institutional values and pass on knowledge and skills.

Where are we?

- With term limits, in 2008, the House will have many years of legislative skill and institutional knowledge leaving at once:
 - Only two non-term-limited members served as committee chairs in the current term and only eight non-term-limited members served as committee vice-chairs in the current term.
 - Next term, leadership positions will have a maximum of 15 years of legislative experience, with most having nine or fewer years.
- Starting in 2008, the Senate will have the most legislative experience, with many former House members becoming senators, and the Senate may be in a position to dominate the process.

Where do we want to be?

- Returning House members who promote institutional values through their actions and through direct mentoring and who are willing to pass on their knowledge and skill to the newer members.
- New members who possess knowledge about the legislative process and/or a willingness to learn sufficient to have a comfort level in and appreciation for their legislative role as soon as possible.
- House members who are advocates of a strong, participative legislative branch and who focus on the effectiveness of the House.

How do we get there?

- Analyze and prepare for the effects of term limits as is being done by the Special Committee on Preparing for Term Limits. Develop a comprehensive approach to mitigate the negative effects of term limits.
- Education of new and non-term-limited members in institutional ideals.
- Encourage House leadership to maximize exposure of the non-term-limited members to policy and management roles in the last year of this term.

- Conduct a comprehensive post-election new member orientation program.
- Mentoring for members programs:
 - Senior-to-Freshman: pair an experienced member with each new member for instruction and advice
 - Staff-to-Freshman: pair a senior staff person with each new member for hands-on orientation to the process